

Docket No: LICHTINGER-4
Appl. No: 09/829,209

REMARKS

This Amendment is submitted preliminary to the issuance of an Office Action in the present application and in response to the Official Action of October 3, 2003 setting a shortened period for response terminating January 5, 2004.

Claims 2-28 are pending in the application. Claims 3-6, 9, 12, and 28 have been amended. Claims 2, 7, and 8 have been canceled. No claims have been added. No claim surcharge is due.

Record is also made of a telephone interview between applicant's representative and the Examiner which took place on December 2, 2004. The Examiner is thanked for his help and assistance as well as for the courtesies extended to Counsel at that time. During the course of the interview, the present application was extensively discussed in particular with respect to the final rejection of independent claim 12. More specifically, applicant's representative pointed out that the prior art of record in particular fails to teach or suggest that the base plate of the rotary device is received in the machine bed.

As a result of the interview, applicant now submits amendments to claim 12 which are drawn up in accordance with the agreement at the interview so as to overcome each and every objection or rejection to the claims as set forth in the Examiner's Official Action of October 3, 2003. Claims 3-6, 9 and 28 have been amended to make them consistent to the changes of claim 12. Claims 2, 7 and 8 have now been canceled.

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The Examiner agreed that the subject matter of claim 12 is distinguishable over the prior art of record; however, an updated search is needed to make a final determination about patentability.

In view of the above, each of the presently pending claims in this application is considered patentably differentiated over the prior art of record and believed to be in immediate conditions for allowance. Reconsideration and allowance of the present application are thus respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

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